

## **EXHIBIT B**

The Honorable Nicole Gaines Phelps  
ORIGINAL  
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

**ORIGINAL**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

NATIONAL COLLEGIATE STUDENT  
LOAN TRUST 2007-2,

Plaintiff,

v.

OSURE BROWN AND TOMMY BROWN,

Defendants.

Case No.: 19-2-09402-8-KNT ✓

Consolidated with

19-2-09403-6-KNT,  
19-2-09404-4-KNT,  
19-2-09405-2-KNT,  
19-2-09406-1-KNT,  
19-2-09407-9-KNT,  
19-2-09408-7-KNT,  
19-2-09409-5-KNT,  
19-2-09410-9-KNT,  
19-2-09411-7-KNT

ORDER GRANTING DEFENDANT OSURE  
BROWN AND TOMMY BROWN'S  
MOTION FOR SUMMARY JUDGMENT AS  
TO PLAINTIFFS' CLAIMS

THIS MATTER having come before the Court on October 24, 2019 on Defendants'  
Motion for Summary Judgment as to Plaintiffs National Collegiate Student Loan Trust 2004-1,  
National Collegiate Student Loan Trust 2004-2, National Collegiate Student Loan Trust 2005-1,  
National Collegiate Student Loan Trust 2005-2, National Collegiate Student Loan Trust 2005-3,  
National Collegiate Student Loan Trust 2006-1, and National Collegiate Student Loan Trust

ORDER GRANTING DEFENDANT OSURE  
BROWN AND TOMMY BROWN'S MOTION FOR  
SUMMARY JUDGMENT AS TO PLAINTIFFS'  
CLAIMS - 1

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2006-2, National Collegiate Student Loan Trust 2007-2 (collectively "Plaintiff Trusts," or "NCSLTs" when considered collectively with other such trusts created by National Collegiate Funding LLC, ) and the Court having considered the records and files herein, including:

1. Defendant Osure Brown and Tommy Brown's Motion for Summary Judgment as to Plaintiffs' Claims (Dkt No. 24);

2. Declaration of Christina L Henry in Support of Osure Brown and Tommy Brown's Motion for Summary Judgment as to Plaintiffs' Claim with attached Exhibits (Dkt No. 25);

3. Plaintiffs' Response to Defendant's Motion for Summary Judgment (Dkt No. 27);

4. Affidavit of Bradley Luke in Support of Response to Defendant's Motion for Summary Judgment (Dkt No. 32);

5. Notice of Errata to the Declaration of Christina L Henry in Support of Defendant's Motion for Summary Judgment (Dkt No. 37);

6. Order Granting Defendant's Motion to File Over-Length Reply Brief to Defendants' Motion for Summary Judgment (Dkt No. 55);

7. Defendants' Reply and Objection to Evidence (Dkt No. 50);

8. Supplemental Declaration of Christina L Henry with attached Exhibits (Dkt No. 64);

9. Declaration of Samuel Leonard with attached Exhibits (Dkt No. 52); and

10. Order Granting Defendant's Motion to Correct Error in the Record on Summary Judgment.

the Court having heard oral argument of counsel, considered the records and filed herein and being fully advised in the premises, and making findings and conclusions of law on the record which are incorporated herein, it is therefore,

ORDERED that the Court documents attached to Exhibits V, W, and X attached to the Declaration of Christina L Henry in Support of Osure Brown and Tommy Brown's Motion for Summary Judgment as to Plaintiffs' Claims (Dkt No. 25), and Exhibits 2 and 3, attached to the Supplemental Declaration of Christina L Henry, (Dkt No. 64), and Exhibit 1 attached to the Declaration of Samuel Leonard (Dkt No. 52) are stricken as inadmissible because they were not duly certified in accordance with RCW 5.44.010.

IT IS FURTHER ORDERED that the Consumer Financial Protection Bureau public documents attached as Exhibit Y attached to the Declaration of Christina L Henry in Support of Osure Brown and Tommy Brown's Motion for Summary Judgment as to Plaintiffs' Claims (Dkt No. 25) are stricken as inadmissible public records because they were not duly certified in accordance with RCW 5.44.040. *See, Transcript of Oral Argument at 8, lines 7-20. See also Id at 14, lines 11-16.* (HLP)

IT IS FURTHER ORDERED that the Affidavits of Jennifer Audet filed in each of the ten (10) consolidated lawsuits at issue in this case are ~~insufficient and inadmissible hearsay and were replaced by the Plaintiffs~~ the Plaintiffs replaced those affidavits with the Affidavit of Bradley Luke in Support of

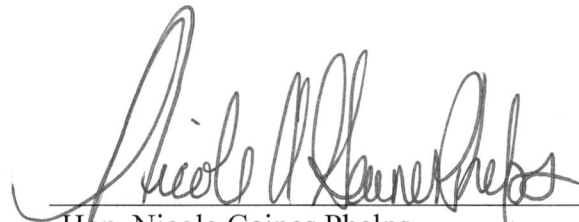
Response to Defendant's Motion for Summary Judgment (Dkt No. 32) to support their claims. *See, Transcript of Oral Argument at 15-17.* (HLP)

IT IS FURTHER ORDERED that the Affidavit of Bradley Luke in Support of Response to Defendant's Motion for Summary Judgment (Dkt No. 32) is hearsay and inadmissible under RCW 5.45.020 because Mr. Luke does not have the ability to testify about the documents being business records since he is not employed by the entity that has custody and possession of the

1 records and he does not have knowledge of the retention policies of the alleged predecessor's in  
2 interest, Bank of America, National Collegiate Funding, LLC ("NCF").

3 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment as to  
4 Plaintiffs' Claims (Dkt No. 24) is GRANTED

5 Dated this 24<sup>th</sup> December  
6 of November 2019.

7   
8 Hon. Nicole Gaines Phelps  
9 King County Superior Court Judge

10 Presented by:

11 HENRY & DEGRAAFF, PS

12  
13 /s/ Christina L Henry  
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